

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRUSTEE NEPHTY CRUZ, et al.,

Plaintiffs,

- against -

C.S BROWN, INC.,

Defendant.
-----X

VICTOR MARRERO, United States District Judge.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7-29-08

07 Civ. 9560 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

Counsel for plaintiffs, on behalf of the parties, having notified the Court, by letter dated July 28, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
29 July 2008



VICTOR MARRERO
U.S.D.J.

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July 28, 2008

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VIA ECF & U.S. MAIL

Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Nephty Cruz et al. v. C.S. Brown, Inc., 07 Civ. 9560

Dear Judge Marrero:

This firm represents the plaintiff trustees in the above-referenced matter. Your Honor recently directed plaintiffs to file a status report with the Court by July 28, 2008.

I write to advise that the parties reached a settlement in principle and agreed on settlement documents that are now being distributed for execution. Upon receipt, plaintiffs will file fully executed settlement documents with the Court.

Thank you for your attention.

Respectfully submitted,

/s/

Charles R. Virginia

CRV:jw
cc: Paul H. Galligan, Esq.